

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER****MAR 01 2005**

APPLICANT: Sandra M. Simms) DOCKET NO.: 3523/2/US
SERIAL NO.: 09/933,366) GROUP ART UNIT: 1614
FILED: August 20, 2001) EXAMINER: Cybille Delacroix-Muirheid
TITLE: SOLUTION COMPOSITION OF AN OXAZOLIDINONE ANTIBIOTIC
DRUG HAVING ENHANCED DRUG LOADING

CERTIFICATE OF TRANSMISSION

I hereby certify that this document and accompanying documents referred to herein are being transmitted to the United States Postal Service, via facsimile, to (571) 273-0572 on March 1, 2005.


Connie L. Park

Commissioner for Patents
P.O. Box 1450
U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL RESPONSE AFTER FINAL ACTION

Dear Examiner Delacroix-Muirheid:

This supplemental response is in response to a telephone interview with Examiner Delacroix-Muirheid on February 28, 2005, in which the Examiner notified Attorney for Applicants, Karen King, of her identification of an obviousness-type double patenting issue between the claims of the present application and those of U.S. Patent Number 6,696,426. See the Interview Summary issued by the Examiner on March 1, 2003, a copy of which was faxed to the Applicant.

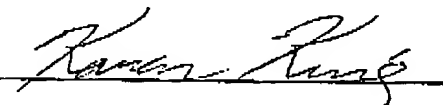
Transmitted herewith, please find a Terminal Disclaimer and fee filed to remove any obviousness-type double patenting issue between the claims of the present application and U.S. Patent Number 6,696,426.

PATENT 3523/2/US

Ser. No. 09/933,366

Page 2

Applicants respectfully submit that all the pending claims of the present patent application are in a condition for allowance. The Examiner is invited to contact the undersigned at the telephone number given below, should any additional questions or issues arise relating to this application.

Dated: 3/1/05

Karen B. King
Attorney for Applicant
Reg. No.: 41,898
Phone No.: (734) 622-4837

Confirmation No.

PTO/S3/17 (10-0-)

Approved for use through 07/31/2008. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$110.00)

Complete if Known

Application Number	09/933,366
Filing Date	August 20, 2001
First Named Inventor	Sandra M. Sims
Examiner Name	Cybil Delacroix-Muirheid
Art Unit	1614
Attorney Docket No.	3523/2/US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 23-0455
Deposit Account Name: Warner-Lambert Company LLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	18.00	\$0.00
Multiple Dependent	-3** =	88.00	\$0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920	2804 920	Requesting publication of SIR prior to Examiner action	
1805 1,840	2805 1,840	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer			110.00
SUBTOTAL (3)			(\$110.00)

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type)	Karen B. King	Registration No. (Assigned/Agent)	41,898	Telephone	(734) 622-4837
Signature	<i>Karen King</i>	Date	March 1, 2005		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2